

Notice of Allowability

Application No.

10/615,460

Examiner

Robert Sellers

Applicant(s)

LINDSAY ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date July 2, 2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

1. This application contains claims directed to the following patentably distinct species:

- a) The first diepoxy monomers Y^1 and Y^2 depicted in claim 5.
- b) The second diepoxy monomers X^1 and X^2 shown in claim 6.
- c) The bisphenol monomers attached to chromophores Z^1 to Z^5 exhibited in claim 7.
- d) The bisphenol monomer with or without the second chromophore of claim 3, wherein if its presence is elected, a particular species thereof is identified.

The species are independent or distinct because the myriad combinations of first and second diepoxies along with the diverse types of bisphenol monomers attached to chromophores with or without the second chromophore requires multiple burdensome searches within class 525..

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species within each of items a), b), c) and d) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Currently, claims 1-7 are generic.

A reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

During a telephone conversation with David Kalmbaugh on February 9, 2006, a provisional election was made with traverse to prosecute the species of bisphenol monomer attached to chromophore Z¹, first epoxy Y¹, second epoxy X¹, and the absence of the second chromophore, claims 1, 2 and 4-7. Affirmation of this election must be made by applicant in replying to this Office action. Claim 3 is withdrawn from further consideration under 37 CFR 1.142(b), as being drawn to a non-elected species.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Reinstate withdrawn claim 3.

The specification, page 1, line 9, after "August 25, 2000," insert
--abandoned,--.

The following is an examiner's statement of reasons for allowance:

3. The closest prior art is embodied in Bales et al. Patent No. 5,208,299 (col. 20, Example 23 wherein the copoly(hydroxyether) is prepared from the diglycidyl ether of bisphenol A according to col. 19, Example 23, lines 59-60, and HZD-6B based on col. 12, Example 7, corresponding to claimed bisphenol chromophore Z¹); Newsham et al. Patent No. 5,445,854 (col. 10, Example 2 wherein a diglycidyl ether of bisphenol A is reacted with BHBF which is claimed bisphenol chromophore Z¹ according to col. 10, lines 22-24) and Newsham et al. 5,776,374 (col. 5, line 47-48 and 53-54; and col. 11, Examples 2 and 3 wherein a diglycidyl ether is reacted with BHBF which is claimed bisphenol chromophore Z⁴ according to col. 10, Example 1, lines 26-27 and col. 4, lines 51-64).
4. Imamura Patent No. 6,291,545 discloses a blend of a polyfunctional epoxy resin such as a bisphenol A epoxy resin (col. 6, lines 37-44 and 52-53), a perfluoro group-containing epoxy compound such as claimed first epoxy Y² (col. 7, lines 10-11) and a polyalcohol.
5. CAPLUS accession no. 1987:120623 to Nakamura et al. teaches the superior refractive index of a bisphenol AF diglycidyl ether (i.e. claimed first epoxy Y² over a bisphenol A diglycidyl ether).
6. Bales et al. and the Newsham et al. patents do not recite the claimed first diepoxy monomer including at least one fluorine atom.

Art Unit: 1712

7. Neither Imamura nor Nakamura et al. espouse the reaction of the bisphenol AF diglycidyl ether with a bisphenol monomer to form a linear polymer, and especially not the claimed bisphenol chromophore monomer. Accordingly, there is no motivation to include the bisphenol AF diglycidyl ether of Imamura and Nakamura et al. as a reactant with the claimed bisphenol chromophore.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

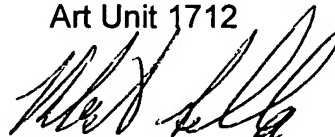
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. CAPLUS accession no. 1995 :897461 to Mang et al. describes poly(hydroxy ethers) containing hydrazone chromophores such as claimed bisphenol chromophore Z¹ (registry no. 154487-10-2).

9. The He et al. and Luo et al. articles were submitted with the Information Disclosure Statement filed July 2, 2003 but were not cited therein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Robert Sellers
Primary Examiner
Art Unit 1712



rs 2/15/2006